

**From:** Schlichting, Sally G (DEC)  
**To:** [Moon, Wally](#)  
**Subject:** FW: Wrangell Junkyard Repository and Monofill - Update  
**Date:** Friday, August 18, 2017 12:18:51 PM  
**Attachments:** [Wrangell Junkyard Repository Memo 8-4-17.docx](#)  
[ADL 107516 USFS Reciprocal Easements MOU and attachments 9-06.pdf](#)  
[11164730.docx](#)  
[Mapper view.pdf](#)

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Wally, you might also find the attached memo from DNR helpful.

Sally Schlichting

Phone: 907-465-5076

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**From:** White, Ben M (DNR)

**Sent:** Friday, August 4, 2017 3:16 PM

**To:** Hess, Kristin A (DNR)

**Cc:** White, Ben M (DNR) ; Cole, Lee V (DNR) ; Schlichting, Sally G (DEC) ; Roberts, Jennifer L (DEC) ; Halverson, John E (DEC)

**Subject:** Wrangell Junkyard Repository and Monofill - Update

Kris,

I want to apologize the large attachments. I also know that you are out of the office so trying to review some of these documents over a small screen may be a challenge.

Attached is a memo that summarizes the two main issues that the USFS has raised with DEC and DNR with regards to the project to remove material from the Wrangell Junkyard Repository site and place the material in a constructed monofill within a material site on State land south of town. The USFS informed DEC yesterday that they would be requiring a road use permit – and that they view this as a commercial use. They also indicated that prior to being able to issue the permit that they would be required to complete the NEPA process and that the project could be significantly delayed. The area of the material site was deeded to the State under US Patent Number 50-92-0118 which outlined the retention of the rights-of-way for the existing roads within the parcels of land. Pat's Creek Road (NFS 6259) has a 100' right-of-way and is retained by the USFS. The first portion of the road is within a public non-exclusive easement (ADL 32844) issued by MHTL to the USFS (see mapper print out) for a right-of-way that is 132' in width and 3965' in length that contains 12 ACRES for the Forest Development Road for PUBLIC USE. The area around Pat's Lake and the recreation area around the lake are all on Mental Health lands with the USFS having an easement for the road.

The attached MOU outlines the details for reciprocal right-of-way and easements between the State and the USFS. This document has been used repeatedly since it was established to authorize log transfer facilities, and marine access points (the agreement was even used to authorize the USFS to use State land for research). The document is heavily used to authorize USFS actions on State land here in the Division, however Division of Forestry may use the agreement more for access and road construction. I have a call into Joel Nudelman (Division of Forestry) to confirm.

I have also attached a memo that the Department of Law provided DEC with regards to the applicability of NEPA due to EPA's involvement and the USFS authority. DEC asked for clarification on the statutory requirement for the road use permit to be issued after completion of NEPA and the response was vague and unclear.

Kris – DEC has engaged their management and the Department of Law. I would recommend that DNR management be apprised of the situation as well it is concerning that the USFS could restrict or limit access to the material site. You may be able to better answer the legal issue we are facing with

the road and access to State land. I will be working on this more early next week prior to me going on leave Aug 9<sup>th</sup>, the same day you return. DEC is planning on conducting a public workshop on the evening of August 21<sup>st</sup>.

Thanks,

Ben

*Ben White*

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